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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-715

13 **TAMEKA DANAE MITCHELL**
3 Silveryberry Place
Albany, NY 12211

ACCUSATION

14 **Registered Nurse License No. 644928**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about September 15, 2004, the Board issued Registered Nurse License Number
23 644928 to Tameka Danae Mitchell ("Respondent"). Respondent's registered nurse license was in
24 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2014, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11
12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
15 California health care professional licensing board. A certified copy of the decision
16 or judgment shall be conclusive evidence of that action . . .

15 COST RECOVERY

16 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

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1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Actions by the New Mexico Board of Nursing**
3 **and the Virginia Board of Nursing)**

4 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
5 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
6 New Mexico Board of Nursing ("New Mexico Board") and the Virginia Board of Nursing
7 ("Virginia Board") as follows:

8 a. On or about February 21, 2012, pursuant to the Default Order in the disciplinary
9 proceeding titled "In the Matter of: Tameka Mitchell License No. RN74314", the New Mexico
10 Board revoked Respondent's license to practice registered nursing in the state of New Mexico.
11 Respondent had submitted an RN endorsement form to the Board on October 12, 2011, and
12 "marked yes to the felony question". Later, the Board received information that Respondent had
13 been arrested on September 10, 2010 for assault with intent to cause physical injury with a
14 weapon, a class D felony. A true and correct copy of the Default Order is attached as **exhibit A**
15 and incorporated herein.

16 b. On or about March 23, 2012, pursuant to the Order in the disciplinary proceeding
17 titled "In re: Tameka Danae Mitchell, R.N., License No. 0001-233619", the Virginia Board
18 suspended Respondent's license to practice registered nursing in the state of Virginia. The
19 Virginia Board's disciplinary proceeding is based on the Default Order of the New Mexico Board.
20 A true and correct copy of the Order by the Virginia Board is attached as **exhibit B** and
21 incorporated herein.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 644928, issued to
26 Tameka Danae Mitchell;

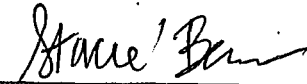
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1 2. Ordering Tameka Danae Mitchell to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: MARCH 5, 2013

for 

LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Default Order, New Mexico Board of Nursing

BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:
Tameka Mitchell
LICENSE NO.: RN74314

Respondent

I certify this to be a true copy of the
records on file with the New Mexico
Board of Nursing.
Signed: CR
DEFAULT ORDER

THIS MATTER having come before the Board of Nursing ("BON") on Thursday, February 9, 2012, the BON finds the following:

1. A Notice of Contemplated Action was served on the respondent in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.
2. The respondent has not mailed a request for hearing within the time and in the manner required by N.M.S.A. §61-1-4 and is therefore in default.

IT IS THEREFORE ORDERED THAT: the license of Tameka Mitchell, RN74314, is hereby revoked by default.

DATE: 2/21/12

Robin Jones, Vice Chair, on behalf of Robin Jones
ROBIN JONES, CHAIRPERSON
NEW MEXICO BOARD OF NURSING

UPS TRACKING NO: K2004222744

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EXHIBIT B

Default Order, Virginia Board of Nursing

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: TAMEKA DENAE MITCHELL, R.N.
License No.: 0001-233619

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Tameka DeNae Mitchell, R.N., to practice nursing in the State of New Mexico was revoked by a Default Order dated February 21, 2012. A certified copy of the Default Order (with attachment) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Tameka DeNae Mitchell, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Tameka DeNae Mitchell, R.N., will be recorded as suspended and no longer current. Should Ms. Mitchell seek reinstatement of her license pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

3-23-12